



Interview Summary: John Ossowski, Ted Gallivan, Scott Harris, Christine Durocher, Canada Border Services Agency

Please note that this Interview Summary should be read in conjunction with: the Canada Border Services Agency (“**CBSA**”)’s Institutional Report; the witness summary for Nina Patel (the Regional Director General of the Pacific Region); the witness summary for Lynne Lamarche (the Director of the Operational Guidance Division); and the witness summary for Brad Wozny (the Regional Director General of the Prairie Region).

The witnesses were interviewed by Shantona Chaudhury, John Mather, and Alexandra Heine on August 24, 2022. Questions about this summary should be directed to Ms. Heine.

Text contained in [square brackets] are explanatory notes provided by Commission Counsel to assist the reader.

Background

The CBSA is responsible for providing integrated border services that support national security and public safety priorities and facilitate the free flow of persons and goods across international borders. The CBSA operates ports of entry (“**POEs**”) across the country.

Four senior CBSA officials, John Ossowski, Ted Gallivan, Scott Harris, and Christine Durocher, attended this interview.

Mr. Ossowski was the President of the CBSA during the Freedom Convoy (“**Convoy**”) movement in January and February 2022. In that role, Mr. Ossowski was first in command. He reported to Cabinet and, more specifically, to the Minister of Public Safety, Marco Mendicino. While the Convoy was taking place, Mr. Ossowski reported to Minister Mendicino daily or every few days by text or email. He also attended meetings of the Deputy Ministers’ Committee on Operational Coordination (“**DMOC**”) and some meetings of the Incident Response Group (“**IRG**”).

Mr. Gallivan is the Executive Vice-President of the CBSA. He held that position during the Convoy. In that role, Mr. Gallivan was second in command and acted as Mr. Ossowski’s delegate in some meetings, including meetings of the DMOC and IRG. He was also specifically tasked with overseeing the CBSA’s regions by acting as a liaison with the regions’ leadership.

Mr. Harris was the Vice-President of Intelligence and Enforcement of the CBSA during the Convoy. In that role, his primary responsibility was to ensure that the CBSA’s intelligence group was focused and engaged. Mr. Harris also attended meetings of the Assistant Deputy Ministers’ Committee on National Security Operations (“**ADM NS OPS**”). Mr. Harris shared some information from the CBSA at these meetings, but CBSA



did not create unique reporting instruments or processes for sharing Convoy-related information at the ADM NS OPS meetings. The ADM NS OPS met two to three times a week to coordinate and share information.

Ms. Durocher is the Regional Director General of the CBSA's Southern Ontario Region ("SOR") [this region covers the bridges and tunnels that are west of Toronto, including Ambassador Bridge, Blue Water Bridge, and Peace Bridge]. She held that position during the Freedom Convoy. In that role, she was responsible for the day-to-day operations of the POEs in the SOR and oversaw the 1,600 employees who work in the SOR.

Response to the Convoy

Mr. Ossowski explained that sporadic protest activities such as slow rolls started occurring at or near the CBSA's POEs and trade corridors after January 15, which was the expiration date of certain order-in-council provisions that had, until then, allowed foreign national trucker to enter Canada unvaccinated. Also on that day, Canadian unvaccinated commercial truckers entering Canada became subject to testing and quarantine requirements for which they had previously been exempt. The earliest slow-roll occurred on January 17 near the Emerson POE in Manitoba.

As the protest activities progressed, the CBSA went into an enhanced state of preparedness. One of CBSA's primary concerns was the health and safety of CBSA personnel. Threats were being made to Border Services Officers ("BSOs") and other personnel at the POEs and on social media. The CBSA was also concerned with the physical safety of the POEs.

In response to the increased protest activities, Daniel Badour [the Acting Director General, Travellers Operational Guidance and Support Directorate] and Denis Vinette [the Vice-President of the CBSA's Travellers Branch] developed a Contingency Plan.¹ The Contingency Plan provided high-level awareness and guidance on CBSA's operational posture for the Convoy, and outlined the proper channels for situational awareness. It was put into place on January 28, 2022.

In addition, CBSA implemented different measures to secure POEs, referred to a "port hardening" measure, which included ensuring that CCTV cameras pointed towards the traffic arriving from Canada.

On the same day, BSOs were also instructed to employ an enhanced vigilance posture, which means that they were instructed to examine the individuals entering into Canada more closely to ensure that all entry requirements were met.

¹ CBSA – Freedom Convoy 2022 Contingency Plan, **PB.NSC.CAN.00009523**.



Intelligence

Mr. Harris explained that, in the normal course, the CBSA has the authority to share operational information with other governmental agencies to fulfill its mandate, including administering and enforcing program legislation such as the *Immigration and Refugee Protection Act* and the *Customs Act*. He stated that, as a general matter, intelligence is shared on a need-to-know basis, depending on the classification of that information. Mr. Harris clarified that the CBSA does not share intelligence with agencies other than federal government agencies, unless they have an arrangement with a particular agency.

Mr. Harris explained that the CBSA's intelligence gathering during the Convoy was mainly based on open source intelligence, and that the CBSA shared some information with other governmental agencies through the ADM NS OPS meetings. To Mr. Harris' knowledge, the CBSA did not provide or receive unique intelligence disclosures from or to law enforcement partners prior to the arrival of the Convoy in Ottawa; at that time, CBSA's intelligence was primarily open source. As the protests continued, the CBSA did receive information from police of jurisdiction about slow rolls and activities as POEs. In addition, CBSA shared tactical and operational information for situational awareness with partners based upon social media postings and activities occurring on roadways leading to and from the POEs. Mr. Harris also noted that intelligence was not received from law enforcement during the Convoy, but that there was communication between the CBSA and various law enforcement authorities for situational awareness.

The Protests and Blockades at the Main Ports of Entry

Coutts, Alberta

Intelligence about the Coutts Protesters.

Mr. Harris explained that the CBSA became aware of the Coutts protest in a general sense on or around January 28. Open source social media posts called upon Albertans to join a slow roll convoy to Coutts to protest what happened on January 15, which was the expiration of certain Order-in-Council provisions that allowed foreign national truck drives to enter Canada unvaccinated, and the introduction of test and quarantine requirements that unvaccinated commercial truckers had been previously exempt from. Mr. Harris stated that, while the CBSA had general awareness that protesters were coming to Coutts, the CBSA did not anticipate that they would block the road and remain entrenched after the arrival of the slow roll on January 29.

Impact of the Protest and Blockade on the Coutts POE's Operations.

Ms. Durocher explained that the CBSA has three different classifications for events that impact POE operations:



1. A **service disruption**, which occurs when an external event disrupts service at a POE, but border services continue to be provided. For example, an event that slows down or stops traffic is a service disruption;
2. A **service suspension**, which occurs when the CBSA decides to stop providing border services at a POE on a temporary basis; and
3. A **border closure**, which occurs when the CBSA closes a POE entirely for an indefinite period of time. As Mr. Gallivan explained, border closures occur very rarely.

According to Mr. Ossowski, the Coutts POE experienced service disruptions beginning January 29. For example, right after the protesters' arrival on January 29, many Canada-bound commercial vehicles became stuck because the POE's lots were full, and the highway was blocked. It took a couple of days for those vehicles to be dislodged. The CBSA had to work with the US CBP to organize for those vehicles to reverse back into the US, go around the Coutts POE, and enter Canada through neighbouring POEs.

Mr. Ossowski explained that the Coutts POE was also affected by a service suspension, which started on February 11. This service suspension arose from a request by Curtis Zablocki [the Deputy Commissioner of the Royal Canadian Mounted Police ("RCMP")'s K Division] to Brad Wozny, to close the Coutts POE to all northbound traffic.² This request was passed onto Minister Mendicino, who approved it on February 12.³ Services at the Coutts POE resumed on February 15, after the protesters had dispersed.

Though the service suspension lasted only four days, Mr. Ossowski was of the view that the POE was, for all intents and purposes, closed down during the events in Coutts from January 29 to February 15. As he explained, very few vehicles were passing through the POE before the service suspension came into effect, as the CBSA issued border alerts cautioning drivers not to use the Coutts POE.

Mr. Ossowski explained that the service disruptions and suspension resulted in commercial vehicles crossing the Canada-US border being rerouted to neighboring POEs. Mr. Gallivan explained that rerouting commercial vehicles to alternate POEs was not a simple task because Coutts is the only POE in Alberta that is a designated commercial POE. It has the capacity to inspect many commercial vehicles, including vehicles transporting livestock. There are only a few POEs near Coutts that can accommodate commercial vehicles [such as the Del Bonita and Carway POEs] and they have minimal commercial capabilities. Mr. Gallivan said that these other POEs do not have the infrastructure to accommodate as many vehicles as Coutts and usually do not have staff trained in processing commercial vehicles, all of which resulted in longer border

² Letter from Curtis Zablocki to Brad Wozny, February 11, **PB.CAN.00000007**.

³ Emails between John Ossowski and Minister Mendicino re: Letter from Curtis Zablocki, February 12, **PB.CAN.00000008**.



wait times and traffic jams. Mr. Gallivan also believed that these alternate POEs did not have a livestock inspector on site. He recalled that the CBSA had to negotiate with Agriculture Canada to get a livestock inspector. Lastly, Mr. Gallivan noted that rerouting commercial vehicles extended travel times for drivers by an extra 2 to 4 hours.

Involvement in Procuring Tow Trucks.

The RCMP was unable to tow the vehicles that were blockading the Coutts POE because tow truck drivers in Alberta were reluctant to provide assistance. Messrs. Ossowski and Gallivan explained that if the RCMP could procure tow trucks from the US, the CBSA offered to work with the United States Customs and Border Protection (“**US CBP**”) to facilitate the border processing of tow truck drivers coming from the US into Canada by advising in advance if they were likely to face immigration issues.⁴ [The CBSA has an existing arrangement with the US CBP regarding the provision of emergency vehicles at Canada-US border POEs.]

None of the interviewees recalled whether the RCMP or the Government of Alberta took the CBSA up on their offer. They explained that it was not up to the CBSA to make a unilateral decision to procure tow trucks and it had no discussions with anyone from Montana about securing tow trucks to assist in Coutts.

Involvement in, and Knowledge of, Law Enforcement Activities.

Messrs. Ossowski, Gallivan and Harris emphasized that the CBSA was not involved in policing and interacting with the Coutts protesters. The CBSA does not have any enforcement authority outside of the POE and the protesters were not located at the POE itself. The CBSA only had the general knowledge that there were two groups of protesters: one smaller group located approximately 1 kilometer north of the POE on Highway 4 in the Village of Coutts, and another much larger group located approximately 18 kilometers north of the POE on Highway 4 in Milk River. The RCMP, as the police of jurisdiction, were in charge of interacting with and policing those protesters. To facilitate this, the RCMP set up a command center at the Coutts POE.

Though the RCMP’s command center was located at the POE, Messrs. Gallivan and Harris explained that the CBSA was not involved in or privy to the details of the RCMP’s tactical or operational decisions. Interactions with the RCMP were limited to daily updates for situational awareness, and any references in CBSA documents to operational meetings between CBSA and the RCMP in Coutts to discuss operational issues were about those situational awareness updates.⁵ For instance, the CBSA had no information

⁴ CBSA COVID-19 Mandate Protests Operational Impacts, Situational Reports, February 2, 2022, 10:30ET, **SSM.NSC.CAN.00000005**.

⁵ CBSA COVID-19 Mandate Protests Operational Impacts, Situational Reports, February 11, 2022, 10:30ET, **SSM.NSC.CAN.00000045**.



about the arrests that occurred in Coutts on February 13 and 14 other than what was publicly available in the media. All they were told, after the fact, was that weapons had been seized and arrested had occurred.

[The panel suggested that the interviewers direct any additional questions related to the Coutts POE protests to Brad Wozny, the Regional Director General for the Prairie Region, as Mr. Wozny was the senior CBSA official in the Prairie Region during the Convoy and in that sense led the CBSA's response to the protests in Coutts.]

Ambassador Bridge, Windsor, Ontario

Impact of the Protest and Blockade on the Ambassador Bridge POE's Operations.

Ms. Durocher explained that there were many slow-roll convoys near the Ambassador Bridge from January 28 to February 6; however, she stated that these events had little to no impact on the POE's operations.

Ms. Durocher recalled that the events that impacted the POE's operations started in the afternoon on February 7, when protesters gathered on the roadways leading to and from the Ambassador Bridge and blocked traffic. These protests disrupted services at the Ambassador Bridge POE. However, since the police of jurisdiction were able to negotiate the passage of some vehicles with protesters, there was no formal service suspension or closure of the POE.

Ms. Durocher was nevertheless of the view that the public perception was that the POE was effectively closed.

Ms. Durocher explained that the service disruptions caused by the protesters resulted in most non-commercial and commercial vehicles having to be re-routed to neighboring POEs. Travelers in non-commercial vehicles and small commercial vehicles were rerouted to the Windsor Tunnel. Larger commercial vehicles had to be rerouted to POEs located in other parts of the province, as the Windsor Tunnel could not accommodate large commercial vehicles. The CBSA recommended these vehicles use the Blue Water Bridge in Sarnia, Ontario. CBSA also saw an increase in commercial vehicles cross the border at the Peace Bridge and Queenston Bridge, approximately 4 to 6 hours away from the Ambassador Bridge. Those POEs had also been suggested as alternatives.

Ms. Durocher explained that they saw approximately a 50% increase in the number of vehicles passing through the Blue Water Bridge POE while the Ambassador Bridge's services were disrupted. She also surmised that some large commercial vehicles that could not cross at the Ambassador Bridge POE likely chose not to cross into Canada during this period.

The rerouting of large commercial vehicles had a particular impact on the automobile industry in Windsor. As Ms. Durocher explained, if commercial vehicles that were headed towards automobile plants on the Canadian side used alternative POEs, they would have



been delayed by more than 3 hours. Ms. Durocher stated her understanding that the timing of shipments is important in the automobile manufacturing process [which operates on a “just-in-time” supply model whereby parts are shipped to the plant based on the production schedule rather than parts being stocked in inventory at the plant.]

Ms. Durocher explained that the CBSA tracked traffic volumes at the POEs in the Border Operations Centre (“**BOC**”)’s daily Situational Reports. CBSA looks at traffic volumes for operational and scheduling purposes within a given region. In reviewing traffic volumes, they became very concerned about what would happen if the Ambassador Bridge blockade lasted as long as the blockade in Coutts, or if the Blue Water Bridge or another Ontario POE became blockaded in the same manner as the Ambassador Bridge.

Ms. Durocher did not know whether or not the state of emergency that the Government of Ontario declared on February 11 was effective for clearing out the protesters at the Ambassador Bridge. However, she recalled that the police cleared out the protest blocking access to and from the bridge in the following days and that the POE’s services officially resumed on February 14 in the early morning [12:04 a.m.].

Involvement in Procuring Tow Trucks.

Mr. Gallivan and Ms. Durocher explained that if law enforcement or other agencies in Canada procured tow trucks from the US, the CBSA could facilitate the entry of the tow trucks drivers by advising in advance if they were likely to face immigration issues when entering Canada. The CBSA could not itself procure tow trucks.

Ms. Durocher confirmed that Michigan tow trucks crossed the POE with the assistance of CBSA pursuant to an agreement between the CBSA and US CBP regarding emergency vehicles, but she was not aware of whether they actually towed any protester vehicles. She added that the police of jurisdiction would likely have that information.

Involvement in, and Knowledge of, Law Enforcement Activities.

Mr. Gallivan and Ms. Durocher explained that the Windsor Police Service (“**WPS**”) was the police of jurisdiction at the Ambassador Bridge and that the Ontario Provincial Police (“**OPP**”) assisted them. The WPS and OPP set up a command center near the Ambassador Bridge POE. The CBSA’s District Director in charge of Windsor, Joe McMahon, was the contact person for the WPS and OPP. He received updates through the command center. Ms. Durocher explained that these updates were limited to situational awareness. The CBSA did not have any knowledge of what the police were doing in terms of their detailed operational plans.

Peace Bridge, Fort Erie, Ontario

Impact of the Protest and Blockade on the Peace Bridge POE’s Operations.

Ms. Durocher explained that on February 12, the CBSA received intelligence that protesters on both the Canadian and US side were heading towards the Peace Bridge



POE plaza. Some of these protesters were on foot, and entered into the commercial area of the POE and tried to access the commercial building. [The Peace Bridge POE is divided into two operations: there is the traveler operation on one side and the commercial operation on the other side.] The protesters were unable to access the building, as CBSA personnel had locked the doors.

The Niagara Regional Police (“**NRP**”) were on site and asked the protesters to leave the area. The protesters went down the hill into the refugee processing area, [which is part of the CBSA’s plaza]. The NRP then worked with the protesters to get them to leave the CBSA plaza. The protesters moved their protest to the Queen Elizabeth Highway.

The majority of protesters left the Peace Bridge on February 12. Service disruptions were minimal. Ms. Durocher stated that once the protesters were on the Highway, they tried to impede the POE’s egress and traffic, which caused service disruptions. This lasted until February 14, when the NRP removed them. In addition, there was a simultaneous protest on the US side of the Peace Bridge on February 12 and 13. Also on February 13, two foreign nationals who accidentally crossed into Canada (they were intending to join a protest on the US side but took a wrong turn) declared no weapons at primary inspection. They were referred to secondary where two handguns and pepper spray were seized under usual authorities flowing from *Customs Act*.

Other than the Peace Bridge incident, there were no attempts by protesters to enter CBSA property at other POEs in Canada.

Involvement in, and Knowledge of, Law Enforcement Activities.

The NRP is the police of jurisdiction for the Peace Bridge. The OPP assisted the NRP throughout the Convoy.

Ms. Durocher explained that CBSA officials communicated with the police through the operational command center, which the police set up in the Niagara Region. They communicated to share information and insight about different responsibilities at the POE for situational awareness.

According to Ms. Durocher, the police were better prepared for the protest and blockade at the Peace Bridge because they had the benefit of learning from the events that occurred at other POE’s in the SOR and more specifically, from the events that occurred at the Ambassador Bridge. In her view, the enforcement approach to the Peace Bridge POE was effective: police, in conjunction with the Peace Bridge Authority, set up jersey barriers and fencing to ensure that vehicles could not access the trade port and egress entrance, and they kept vehicles and traffic moving, which prevented the protesters from stopping their vehicles at the POE.



Blue Water Bridge, Sarnia, Ontario

Impact of the Protest and Blockade on the Blue Water Bridge POE's Operations.

Ms. Durocher explained that approx. 5,500 to 6,000 commercial vehicles pass through the Ambassador Bridge POE per day through 15 lanes; whereas approx. 2,500 to 3,000 commercial vehicles pass through the Blue Water Bridge POE through 7 lanes.

The combined effect of the smaller capacity of the Blue Water Bridge and the increase in traffic from the Ambassador Bridge caused long lineups of commercial vehicles. The lineup of vehicles entering Canada was 10 kilometers long and the lineup of vehicles entering the United States was 9 kilometers long. During this time the usual volume of commercial traffic (within the SOR) did not cross, and additional personnel were required to work at the Bluewater Bridge POE to address the increased volumes for Ambassador Bridge.

Ms. Durocher also described how specific protester activity impacted on the POE's operations. In one example, she explained that, on February 6, a large slow roll disrupted the Blue Water Bridge POE's services. In another example, she explained that, on February 8, a group of protesters gathered approximately 40 or 50 kilometers from the POE on Highway 402 to block and disrupt traffic on Highway 402 going into the US. The OPP blocked those protesters from the highway and set up an emergency detour route for commercial trucks to allow them to continue travelling.

Pacific Highway, Surrey, British Columbia

Messrs. Ossowski and Gallivan explained that the Surrey POE experienced several on and off service disruptions. These disruptions, however, were not as severe as at the other POEs discussed, because there were more alternative routes for travelers seeking to access the POE. The protesters could not disrupt the POE simply by blocking a single access road as occurred elsewhere.

[The panel suggested that the interviewers direct any additional questions related to the Pacific Highway protests to Nina Patel, the Regional Director General for the Pacific Region, as Ms. Patel led the CBSA's response to the protests at the Pacific Highway POE.]

Emerson, Manitoba

According to Messrs. Ossowski and Gallivan, the protests at the Emerson POE started on January 17 with a slow roll convoy. The protests escalated well into February and caused service disruptions to the POE. There were sufficient disruptions that the CBSA was recommending alternate routes and POEs for commercial vehicles attempting to travel through the Emerson POE.



Similarly to the other POEs, the CBSA was not involved in policing or interacting with the protesters. Any references in CBSA documents to operational meetings between CBSA and the RCMP in Emerson to discuss operational issues were about situational awareness updates only.⁶

Interactions with the United States Customs and Border Protection

At the operational level, senior CBSA officials had day-to-day interactions with their counterparts from the US CBP, where they shared information about the operational challenges arising from the Convoy. Mr. Ossowski also had meetings with the head of the US CBP to share information for situational awareness.

Threat Assessments for Ports of Entry and CBSA Personnel

The BOC's daily Situational Reports were provided to Mr. Ossowski to inform his decisions. During the Convoy, the Situational Reports contained risk assessments and consistently reported that there were no credible threats identified for any of the POEs and that the overall threats to personnel and infrastructure were low.⁷

When asked to explain the basis for the threat assessments in the CBSA's Situational Reports, Mr. Harris explained that it would have been CBSA's intelligence team which made those assessments by consolidating information from different POEs and partner agencies and feeding it to the BOC for their reporting.

Messrs. Ossowski and Harris explained that CBSA's the assessments were focused on threats at the actual POEs. Since much of the protester activity occurred some distance from the POEs, the threat to the POEs themselves was low. Mr. Ossowski remarked that police partners may have come to different conclusions in their assessments of the actual protest sites away from the POEs. Further, Mr. Harris explained that the intelligence team and BOC's mindset would have been that identifiable or credible threats to POEs constitute things like the likelihood of violence at the POE, rather than the impact on trade and travel.

Mr. Ossowski also explained that at the outset, the CBSA was concerned about threats of violence, but as the protests continued and border wait times grew, they became concerned about how the protester activities were impacting the travel of goods and people across the border. He said that since threat assessments are subjective exercises

⁶ CBSA COVID-19 Mandate Protests Operational Impacts, Situational Reports, February 11, 2022, 10:30ET, **SSM.NSC.CAN.00000045**.

⁷ See CBSA COVID-19 Mandate Protests Operational Impacts, Situational Reports, January 28 to February 14, 2022, **PB.NSC.CAN.00000733**, **SSM.NSC.CAN.00000001** to **8** and **SSM.NSC.CAN.00000012**, **17**, **21**, **22**, **23**, **24**, **25**, **28**, **32**, **33**, **41**, **42**, **45**, **49**, **50**, **53**, **68**, **329**.



that come from individuals who have knowledge of the intelligence and experience in determining risk, their concerns about the impact of the protests on the travel of goods would not have been reflected in the daily Situational Reports.

Mr. Ossowski and Ms. Durocher explained that the CBSA took steps at the outset of the protests and blockades to mitigate the risk of threats at the POEs. Mr. Gallivan noted that, for instance, CBSA purchased CCTV cameras that looked back into Canada. Ms. Durocher added that CBSA contacted the police of jurisdiction to ensure that they were onsite, and they worked with the operator of some of the bridges to ensure that public access to compounds was blocked off. The panel members explained that, in their view, as a result of these steps, the threats to the POEs remained low throughout the protests.

The panel members were asked about the February 14, 16:00ET Situational Report.⁸ In that report, the Bottom Line Up Front (“**BLUF**”) for Intelligence and Enforcement stated that “[t]here has been a significant operational impact that may result in a threat to Canada’s economic security and prosperity”. When asked to explain why this is the first Situational Report that contains this assessment, Mr. Ossowski stated that he did not know. Ms. Durocher was of the view that this assessment might have been erroneously omitted from previous Situational Reports. The interviewees did not know if the change related to the federal government’s decision to invoke the *Emergencies Act*.

The panel members were also asked about a line in some Situational Reports about Integrated Terrorism Assessment Centre (“**ITAC**”) threat assessments [for e.g., the February 17, 16:00ET report, the BLUF for Intelligence and Enforcement states that “ITAC assesses that the terrorism threat to uniformed personnel is medium”.⁹] Mr. Harris explained that ITAC provides general threat assessment [that are not specific to the CBSA] and threat assessments for all uniformed personnel [such as police officers and BSOs]. They would have worked with law enforcement to provide the February 17 assessment of the risks to uniformed personnel caused by the protests and blockades. He noted that the threat assessment would consist of the residual risk, taking into account mitigating measures put in place to reduce the risk.

[The panel suggested that the interviewers speak with Lynne Lamarche, the Director of the CBSA’s Operational Guidance Division about the Deputy Minister Meeting briefings, which are documents that were generated by BOC for Mr. Ossowski to provide him with situational awareness and speaking points in preparation for the ministerial level meetings that he was attending. Similarly to the Situational Reports, those briefings contained some threat assessments.]

⁸ CBSA COVID-19 Mandate Protests Operational Impacts, Situational Reports, February 14, 2022, 16:00ET, **SSM.NSC.CAN.00001519**.

⁹ CBSA COVID-19 Mandate Protests Operational Impacts, Situational Reports, February 17, 2022, 16:00ET, **SSM.NSC.CAN.00000351**.



Impacts on Canada's Economy

Mr. Ossowski explained that the CBSA provided some data to Statistics Canada, but did not conduct any analyses about the impact of the protests and blockades on Canada's economy.

Mr. Gallivan and Ms. Durocher stated that, from their perspective, the protests and blockades had an impact on Canada's commercial sector. Of the 114 POEs in Canada, only 20 or 22 are designated commercial POEs. These POEs are tailored to manage commercial vehicles, including vehicles that carry livestock. The alternate POEs that were used to absorb traffic during the protests did not have the infrastructure to process high volumes of commercial traffic and some of them were not outfitted or staffed to process perishables and livestock. Mr. Ossowski clarified that the CBSA did not conduct any analysis on the impact on perishables and livestock and did not have the capability to do economic analysis itself.

With regards to the economic impacts caused by the blockade at Ambassador Bridge, Ms. Durocher emphasized again her understanding of the impact on the automobile industry. She said that whole production lines were shut down and the supply chain was affected. She also explained that she noticed that, even after the bridge was re-opened, there was no significant increase in commercial traffic to replace the traffic that had been blocked from coming through and the volume of commercial traffic was lower than in previous years. Finally, she emphasized that the rerouting of traffic caused the CBSA to re-organize and re-allocate resources, including personnel, in the SOR.

Invocation of the *Emergencies Act*

The CBSA officials, including Mr. Ossowski, played no role in the decision to invoke the *Emergencies Act*.

Mr. Ossowski explained that the CBSA took the initiative to evaluate what authorities they could use to assist in dispersing the protesters. In so doing, they realized that BSOs did not have the authority to deny entry to foreign nationals solely on the basis that they wished to participate in the protests. Accordingly, if a US citizen trying to enter Canada to participate in the Freedom Convoy met all the admissibility requirements and public health measures, BSOs did not have the authority to deny the person entry. Mr. Ossowski described this as a gap in the law.

As a practical matter, Mr. Ossowski noted that, despite this gap that the CBSA had identified, many individuals who wanted to enter Canada to participate in the Freedom Convoy were unvaccinated and were denied entry on that basis in accordance with the Orders in Council made pursuant to the Quarantine Act which were in effect at that time.

Mr. Ossowski explained that he identified this gap to Cabinet. This, he said, was the extent of his involvement and neither he nor other CBSA officials gave advice on the issue of how the *Emergencies Act* could be used to fill the gap.



Otherwise, Messrs. Ossowski and Gallivan explained that the CBSA's role was about situational awareness. They said that they presented the facts and documents that painted a picture of potential threats, some of which materialized.

Powers under the *Emergencies Act*

The *Emergency Measures Regulations*, enacted pursuant to the *Emergencies Act*, gave BSOs the power to deny entry to foreign nationals who wanted to come into Canada to participate in or facilitate the protests and blockades. Immediately following the registration of the *Emergency Measures Regulations*, personnel at the POEs were advised of this power.¹⁰

The panel members recalled that the power to deny entry to foreign nationals under the *Emergency Measures Regulations* was used by CBSA officials on at least one occasion, in respect of two individuals, though they were not certain when or where that occurred. Ms. Durocher noted that on either February 15 or 16, some individuals were refused entry under the Order-in-Council made pursuant to *Quarantine Act*, because they had failed to produce a negative PCR test. Mr. Harris elaborated on this, explaining that the process was that BSOs would go through the normal checklist of admissibility requirements and the last point on that checklist would have been to determine whether the foreign national was entering to participate in or facilitate a protest or blockade. More often than not, individuals seeking to participate in the protests were denied entry on another basis, for instance, not meeting the Order-in-Council requirements.

Non-compliance with the *Emergency Measures Regulations* also gave the CBSA the power to remove foreign nationals that were already in Canada if they had participated in the protests and blockades. However, this power was not used, and personnel were not directed to do anything specifically in response to the *Emergencies Act* with regards to investigating and removing foreign nationals from Canada.

¹⁰ Deputy Minister Briefing Material, February 16, 2022, **SSM.NSC.CAN.00000340**, at p. 2.